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FILED
4 DISTRICT COURT OF GUAM
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7 SEP - 1 2006
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10 **MARY L.M. MORAN**
11 **CLERK OF COURT**
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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE TERRITORY OF GUAM
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18 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 97-00074
19 vs.)
20 Plaintiff,) REPORT & RECOMMENDATION
21) CONCERNING VIOLATIONS OF
22) SUPERVISED RELEASE CONDITIONS
23) IN A FELONY CASE
24 FRANCIS A. AGUON,)
25 Defendant.)
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28 On August 15, 2006, the United States Probation Office filed a Petition and supporting
1 declaration alleging that the Defendant violated his conditions of supervised release. See
2 Docket No. 41. Additionally, on August 28, 2006, the probation officer filed a Supplemental
3 Declaration alleging further violations. See Docket No. 46. According to the Petition and
4 Supplemental Declaration, the Defendant:
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- 6 1. failed to appear for urinalysis testing on two (2) occasions;
7 2. admitted to the unauthorized use of methamphetamine on three (3) separate
8 occasions.; and
9 3. failed to appear for a scheduled counseling session.

10 On August 29, 2006, the Defendant appeared with counsel before the Court. The
11 Defendant knowingly and voluntarily waived his right to an evidentiary hearing and admitted to
12 all the violations alleged. The Government, the Defendant, and the probation officer agreed that
13 the appropriate sanction for the above violations was to modify the Defendant's conditions of
14 supervision to include a provision that he shall serve six (6) days of intermittent confinement, at
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1 the direction of the U.S. Probation Office, the Bureau of Prisons, and the U.S. Marshals Service.

2 Based on the Defendant's admissions, I therefore find probable cause to believe that the
3 Defendant violated his conditions of supervised release. Accordingly, I hereby recommend that
4 the District Judge modify the Defendant's conditions of supervised release as agreed upon by
5 the parties. This matter is referred to the District Judge for appropriate disposition.

6 DATED this 1st day of September 2006.

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8 JOAQUIN V.E. MANIBUSAN, JR.
9 United States Magistrate Judge

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11 **NOTICE**

12 Failure to file written objections to this Report within ten (10) days from the
13 date of its service shall bar an aggrieved party from attacking such Report
before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

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